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MEDICAL LEGISLATION IN ONTARIO

THE ANNUAL ADDRESS

AT THE MEETING OF THE

CANADIAN INSTITUTE OF HOMŒOPATHY

HAMILTON, JUNE 14, 1892

BY THE PRESIDENT

CL. T. CAMPBELL, M.D.

LONDON, ONT.

TORONTO

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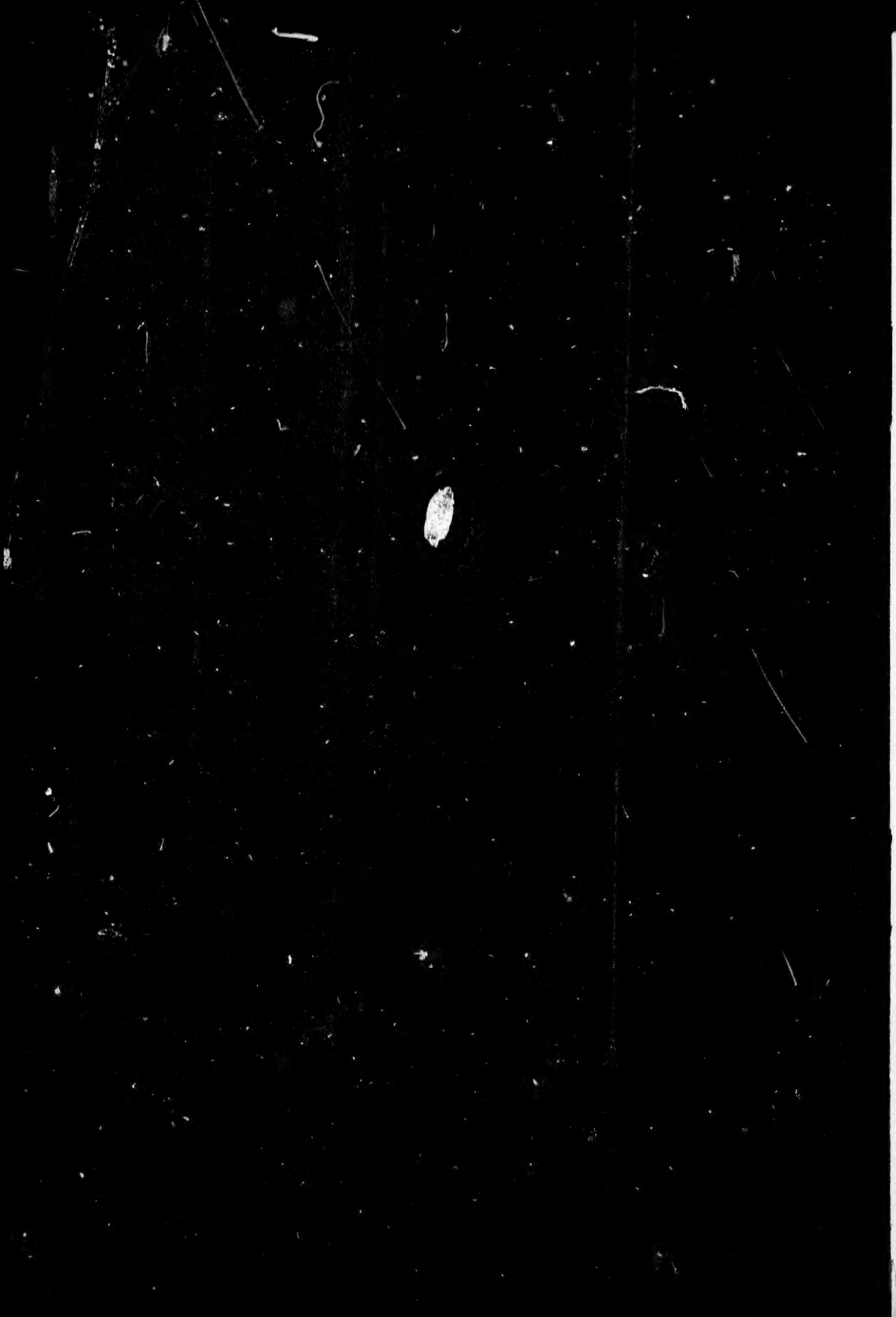

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MEDICAL LEGISLATION IN ONTARIO.

It has become the recognized duty of the President of the Canadian Institute of Homœopathy, at each annual meeting, to give an address, in which he shall bring before you such matters of interest to the profession, or of importance to our school, as the record of the year may have developed. So far as we are concerned, the past year has been uneventful; and the only matter of special interest which has occupied the attention of our physicians has been the discussion of certain legislation enacted in 1891, and the action of the Medical Council consequent thereon. As my predecessors, for some years past, have not called your attention to any such subject, I have thought that it might be of interest, and possibly not unprofitable, if I occupied the time at my disposal in giving you a *resumé* of the legislation affecting the profession in Ontario, with, of course, special reference to its bearing on ourselves.

But, before entering upon that subject, it is only proper that I should take the earliest possible opportunity of referring to the loss this Institute, and the profession, has sustained during the past year in the death of two of our most esteemed members, both of whom have taken an active part in the work of the Institute, and both of whom were connected with the government of the profession and of the Homœopathic School in Ontario—Dr. Wm. Springer, of Woodstock, and Dr. W. H. Oliphant, of Toronto.

Dr. Springer was one of our oldest practitioners, having graduated at the Cleveland Homœopathic College in 1856. He first practised in Hamilton, near which city he was born; but his high professional reputation was gained in Ingersoll, where he was for twenty years the most popular and successful of physicians. In 1881 he removed to Woodstock. During the last three years of his life he was incapacitated for work from the effects of a cerebral hemorrhage; and died on the 2nd April, 1892, at the age of sixty-two. He served for several years on the old Homœopathic Board of Examiners; and was one of our first representatives in the Medical Council.

Dr. Oliphant was one of the younger generation, and was born in New Orleans, Louisiana, Dec. 21st, 1858. He came to Toronto with his father, our esteemed colleague, Dr. D. S. Oliphant, in 1864. He graduated with honors in Toronto School of Medicine; then went to Dublin, where he took the degree of M.B. (Class A), and registered

in Ontario in 1884. During the few years of life allotted to him he succeeded in obtaining a large practice in Toronto, where he died—a martyr to professional work—on the 11th February, 1892. He had served our Institute zealously, both as a private member and an officer; and at the last general election for the Medical Council he was chosen one of our representatives.

Dr. Springer died after many years of active work; Dr. Oliphant passed away in the bloom of his young life, while a brilliant future seemed to wait him. Yet both of our lamented colleagues had much in common. Both were men of energy and vigor, thoroughly imbued with a love for their profession. Both were well versed in medical science, and were specially endowed with that common sense which enables a physician to grasp the practical and apply it with the best results. Both were popular and successful in their practice; and both had the esteem of the profession to a high degree, as was shown in their repeated election to places of honor and responsibility. In their death we and the public have alike suffered serious loss; they have met no loss, but gain. May the earth rest lightly on them!

In reviewing the history of medicine in this country, we find that, prior to 1815, there was no legislation specially affecting the medical profession in what is now known by the name of Ontario. The province may be said to have been first opened for settlement with the arrival of some 10,000 U. E. Loyalists in 1784, for, previous to that date, it was wholly unoccupied. It was separated from the rest of the British North American possessions, and declared a distinct province, under the name of Upper Canada, on December 26th, 1791, with Col. Simcoe as its first Lieutenant-Governor. He called his parliament to meet for the first time in the little village of Newark, on the Niagara River, September 17th, 1792, and among its first Acts was one formally introducing and establishing English law in the province. In the absence of special legislation, the profession would be governed by the laws of the mother country; and so, for the following twenty-four years, the only persons legally qualified to practise medicine in this province were those duly licensed by English authority. As a matter of fact, I believe, the practising physicians of that period were mainly of this class—a large proportion being army and navy surgeons. And as the population was scattered over the province, and the profession not over-crowded, the presence of those who were not English licentiates was no grievance to anyone, and in many cases a great convenience to the public.

As the country became better settled, however, it was deemed advisable to take some legislative action in the matter of ensuring the public qualified medical practitioners. At the close of the American war the population of Upper Canada had reached 95,000, a number sufficiently large to justify some regulation of the medical profession.

The first medical Act of which I can find trace was passed on the 14th March, 1815.* It stands on the old statute book, imperfectly

* 55 Geo. III., Chap. 10.

printed, and containing clerical errors and omissions; but in substance it is to the following effect:—

After reciting in the preamble the fact that "many inconveniences have arisen to his Majesty's subjects in this province from unskilful persons practising physic and surgery," it proceeds to enact that "no person who shall, or may have, come into the province since the passing of the above-mentioned Act" (*i.e.*, the Constitutional Act of 1791, quoted in the preamble as the authority for passing this Act), "and before the passing of this Act, nor any person who shall or may hereafter come into this province, shall be permitted to prescribe for sick persons, or practise physic, surgery, or midwifery, within the province for profit, until such person or persons shall be duly examined and approved of by a Board of Surgeons, who shall be constituted and appointed as hereinafter mentioned, with full powers to grant licences for the practice of physic, surgery and midwifery, within the province, and has received a license under the hand and seal of the president of the said Board, and countersigned by the clerk of said Board, which clerk the president of said Board shall and may nominate and appoint."

The second clause provides for the appointment of this Board by the Governor. It was to consist of the senior medical officer in the army resident in the province; all regimental and navy surgeons, and all staff surgeons doing duty in the province; and all other surgeons and practitioners resident within the province, and authorized to practise by some lawfully constituted authority in His Majesty's dominions—the senior medical officer being the president.

It was the duty of this Board, "from time to time, and as often as occasion may require, to hear and examine" all applicants; and if they approved, to grant a license, for which a fee of £2 was payable. But it was provided that this Act should not apply to any female practising midwifery, nor to any one having taken a degree in any university in His Majesty's Dominions,* nor to any commissioned medical officer in the army or navy, nor to any one who may have practised in the province before the passing of the Constitutional Act of 1791—all of which parties were free to practise without any license. With these exceptions, no one could practise without the authority of this Board, under a penalty of £100.

A few years' experience made it evident that this Act was impracticable. The Board was too cumbersome; possibly there was too much militaryism about it to suit the tastes of the people. At all events, it was found necessary to amend it; which was done in 1818.† The amended Act authorized the Governor-in-Council to appoint a Board of five or more (three to form a quorum), who should examine applicants, and on its certificate, the Governor, being satisfied of the loyalty and good morals of the party, granted a license. The fee was raised to £4 10*s.*, of which one pound went to the Government, and the remainder to the Board. The exceptions to the operation of the

* Presumably a Degree in Medicine, though the Act does not say so.

† 55 Geo. III., Chap. 13.

old Act were continued, with this difference, that the date beyond which the law would not be retroactive was brought down from 1791, and fixed at Jan. 1st, 1812.

For nearly fifty years this Act formed the basis of all medical legislation in Upper Canada, or Canada West. Amended Acts were past in 1827* and 1859†, but these simply modified some of the details, and provided for their more effectual enforcement. After the union of the two provinces, provision was made that all practitioners duly licensed in Lower Canada should have equal privileges in this province; and *vice versa*. After Canadian medical colleges were established, their graduates were in the same position as graduates of all British Universities, and on presentation of their diplomas they received the license to practise Persons attempting to practise without a license were liable to a fine of not more than $200; but prosecutions were not very frequent.

On one occasion an effort was made to alter the *status* of the profession, and that was in 1839‡, when a bill was passed to incorporate the then existing Board of Examiners, together with all licensed physicians, as the "College of Physicians and Surgeons of Upper Canada," with general powers to regulate all matters connected with the profession, fixing a curriculum, granting licenses, etc.; and also to regulate the sale of drugs. This Act, however, was disallowed; and matters remained as they were before.

In the meantime, practitioners of Homœopathy were making their appearance in the province. I believe the first to introduce that system into Upper Canada was my preceptor, the late Dr. J. J. Lancaster, of London, who commenced practising in 1846. Others followed in due time. Some of these, like the late Dr. D. Campbell, of Toronto, were British graduates, and therefore duly licensed. But others, such as Drs. Lancaster, Adams, Greenleaf, Bull, Hall, etc., were graduates of foreign colleges, and could only receive a license through the Provincial Board of Examiners. Owing to professional prejudices then existing, this was an impossibility; and, as a consequence, they were submitted to annoyance and persecution. But the number of their friends and supporters among the laity increased rapidly; and in 1859 Parliament found a remedy for their grievances by passing a bill entitled "An Act respecting Homœopathy,"§ which placed physicians of that school in a position to become licensed, and to stand on a legal equality with other medical men.

By this measure, Drs. Campbell, of Toronto, Lancaster, of Galt. Greenleaf, of Hamilton, Bull, of London, and Hall, of Toronto, were appointed the first members of a Board of Examiners for those who might desire to be licensed as Homœopathic physicians. The term of office of the Board was two years; three members to retire the first year. The successors to the members first appointed were to be elected by such Homœopathic physicians as might be present in Toronto, and cast their votes, at the January meeting of the Board

* 8 Geo. IV., Chap. 3.
† 22 Vic., Chap. 40.
‡ 2 Vic., Chap. 36.
§ 22 Vic., Chap. 41.

each year. By the Act a curriculum was fixed which required all applicants for a license to attend two winter sessions of six months each at a medical college, and pursue the study of medicine in some licensed practitioner's office for four years.

It will be noticed that this was the first medical Act in this province which laid down a curriculum for students. In all previous legislation, this matter was left solely to the discretion of the Board of Examiners; and it had been the custom of the Board to follow the curriculum of the Canadian colleges, with the exception that it was content with three years' study instead of four. The college curriculum was the same as that adopted by our Board. It will thus be seen that from the first day the Homœopathic physicians began to exert any influence on medical legislation, they adopted the highest standard of education attainable. And this course has been consistently followed up to the present time.

Two years later, in 1861, a similar Act passed in the interest of practitioners of the Eclectic system.

As the number of physicians in the province increased with noticeable rapidity—a natural result of the competition of local medical colleges—it became apparent that in the interests of the profession, as well as of the public, some steps should be taken to secure a uniform standard of education, and one of a higher character than that which was accepted as sufficient, either by colleges or boards. With this end in view a bill was introduced into the Canadian Parliament in 1866 by Dr. Parker, M.P., to establish a Council of Education and Registration for the province.* This council consisted of twelve members, to be elected by the licensed physicians resident in the twelve territorial divisions into which the province was divided; one each from Toronto University, Queen's College, Victoria College, Trinity College, Toronto School of Medicine, and from "every other body authorized, or to be authorized, to grant degrees in medicine or certificates of qualification to practise." All persons licensed under previous Acts, either in Upper or Lower Canada, were entitled to register. The Council had power to fix a curriculum for Canadian colleges, which should be obligatory on them as soon as approved by the Governor-in-Council; and as a *quid pro quo*, all graduates of these colleges would be entitled to register. Applicants who had not attended a Canadian school had to submit to a similar course and an examination. Among the provisions of the Act was one to the effect that no college should impose upon its graduates an obligation to adopt or to refrain from adopting the practice of any particular theory in medicine, under penalty of losing its privileges as to registration.

Soon after the passing of this Act it became evident that there was a difference of opinion as to the relation the Homœopaths and Eclectics were to bear to it. One clause declared that it was not to repeal or in any way affect the Homœopathic and Eclectic Acts; and the inference was reasonable, therefore, that the law was not to apply to physicians of these schools. But the clause defining the membership

* 29 Vic., Chap. 34.

of the Council as plainly gave representation to every body authorized to grant certificates of qualification to practise medicine, which classification would include the Homœopathic and Eclectic Boards. To test the question, Dr. D. Campbell appeared at the first meeting of the Council, as the representative of the Homœopathic Board. But the Council declined to receive him; arguing, not unreasonably, that as his Board was left untrammelled by the Act, and its former powers in no way curtailed, it had no right to representation. Logically the Council was correct; legally, it is possible it was wrong.

It soon became apparent that this Act could not be worked satisfactorily. It was evident that if there were to be three authorities in the profession—the Council and the Homœopathic and Eclectic Boards—each supreme in so far as concerned the class it might register—one of the main objects sought, and the most desirable one—that of having a uniform standard of education—would be defeated, and the situation would be very little different from what it was before. Meantime, Confederation having been accomplished— under which all matters of education came within the control of the provinces—it was necessary for the Ontario legislature to take some action. And after considerable discussion and negotiation with all parties interested, a measure of compromise was effected, and the Ontario Medical Act passed at the session of 1869.*

This Act incorporated the entire medical profession of the province as "The College of Physicians and Surgeons of Ontario," with a representative governing body—the Medical Council. Of this Council, twelve were elected by the profession in the same manner as under the Parker Act; the various universities and medical schools were given one each, and the Homœopaths and Eclectics five each. It was not, of course, assumed that this proportionate representation was in accordance with the actual numbers of the respective classes. The Homœopaths did not claim that they constituted one-sixth of the entire profession. But we did claim that we should not give up our autonomy without a representation in the Council large enough to afford some guarantee that our rights would be respected, and that no rank injustice would be done our students. Five representatives in the Council were too few to control that body; but they were enough, especially with an equal number of Eclectics, to give some weight to their arguments. The various colleges were in a somewhat similar position. They surrendered the rights formerly possessed in consideration of the representation allowed them in the Council. And this fact must always have weight in deciding any proposition to change the basis of representation in that body. As now constituted, it is the result of a compromise, and any attempt to reduce the proportionate number of Homœopathic representatives, or to deprive the colleges of theirs, would be a violation of the original terms of agreement under which these bodies surrendered the powers enjoyed by them.

The new Council, which was the legal successor of that consti-

* 32 Vic., Chap. 45.

tuted under the Parker Act, came into existence on the second Tuesday in June, 1869, the date of the first election. The College of Physicians and Surgeons, of which the Council was the governing body, by the terms of the Act was to consist of all those registered under the Act of 1866, and of such as might in future be registered under the new law. And it was made the duty of the Council to enter on its register the names of all who complied with the requirements of the Medical Act, " and with the rules and regulations made, or to be made, by the Council respecting the qualifications to be required from practitioners of medicine, surgery and midwifery, in the province." And only those whose names were so entered were licensed to practise, or to exercise any of the privileges of medical men, or to be considered members of the College.

The Council of the new corporation was not allowed to interfere with or fix the curriculum of the colleges; and, on the other hand, the diploma of the colleges no longer entitled the bearer to registration. All matters connected with medical education were now vested in the Council, which had power to appoint its Board of Examiners, before whom all applicants for a license should appear. But to prevent any fear that the dominant section of the Council would use its power to the injury of minorities, it was provided that a person wishing to be registered as a Homœopath or an Eclectic should not be required to pass an examination in Materia Medica or Therapeutics, or Practice of Physic, or in Surgery or Midwifery (except the operative parts) before any examiner other than such as might be approved by the representatives of that body in the Council.

The first meeting of the Council was held in Toronto on the second Wednesday in July, 1869. The following gentlemen constituted the body:

Territorial Representatives—E. G. Edwards, John H. Hyde, W. Clarke, C. W. Covernton, Thos. Pyne, Jas. Hamilton, J. N. Agnew, Wm. McGill, J. F. Dewar, H. W. Day, Wm. Mostyn, Wm. H. Brouse.

College Representatives—Wm. Oldwright, C. V. Berryman, Alex. Bethune, C. B. Hall, W. T. Aikens, M. Lavell, Jas. Grant.

Homœopathic Representatives—D. Campbell, G. C Field, H. C. Allen, J. Adams, Wm Springer.

Eclectic Representatives—N. Hopkins, S. S. Cornell, G. A. Carson, J. J. Hall, R. H. Clark.

The officers elected were: Wm. Clarke, Guelph, President; Wm. H. Brouse, Prescott, Vice-President; Henry Strange, Hamilton, Registrar; W. T. Aikens, Toronto, Treasurer. The Registrar was not a member of the Council. Of all the gentlemen then in attendance only two are still members, Drs. Day and Grant. Dr. Aikens, who ceased to represent his college after some years, has continued to hold the office of Treasurer up to the present.

The proceedings of the Council for the first few years showed quite clearly that the harmonizing of heterogeneous and discordant elements was no easy matter. The attempt to unite Homœopaths and Allopaths for legislative purposes was an experiment in medicine,

and for a time it seemed that the attempt would be a failure. Some of the old school physicians objected strongly to the enforced association with those they had always regarded as medical heretics, and wanted the Act repealed. Others openly declared that their only reason for consenting to the arrangement was the hope and expectation that by its operation Homœopaths and Eclectics would be exterminated within ten years. Only a few had reached a moral plane high enough to be in a position to treat us with fairness and justice, and to recognize that, whatever difference of opinion there might be in regard to Therapeutics, Homœopaths were as well educated and as honorable as they claimed to be themselves. Stormy debates, stimulated by professional prejudices, and emphasized by angry invective and paltry insinuation, were of frequent occurrence. But our representatives were among the ablest men in our school, in every respect the peers of their associates in the Council, and quite competent to hold their own in any contest.

It was hardly to be expected that under these circumstances we should always meet with fair play. Complaints of injustice were frequent, and the grievances of which we complained were not always remedied. Probably the worst feature in the arrangement was the policy of protection for Canadian colleges adopted, under which no one was admitted to the examination for registration until he had attended two sessions in Ontario. Of course, as we had no college in the province, this simply meant that our students had to attend an Allopathic college before they could get a license.

The second general election was held in 1872, all our representatives being returned to the Council, with the exception of Dr. Allen, whose place was taken by Dr. Vernon, of Hamilton. One of our number, Dr. Campbell, was elected Vice-President. The proceedings of the Council not having been satisfactory to us in the redressing of grievances, the subject was discussed at a meeting of this Institute, held in London prior to the session of 1873, and it was unanimously decided that, if the dominant section of the Council persisted in its course of injustice, we should appeal to the Legislature for a re-enactment of the old law of 1859. The redress sought was not obtained; on the contrary, the evils of the situation were intensified by the refusal of the Council to advance Vice-President Campbell to the position of President, as was the usual custom. It was felt that this was a direct insult to our school, and though some of the old school representatives declared that their objection to Dr. Campbell was purely personal, there were sufficient indications that the main objection was the fact of his being a Homœopath, and that professional prejudice would not submit to the induction of one of that class into the highest office in the Council. Our members declined to be snubbed or slighted, and walked out of the Council.

It now became a question as to the proper course to be pursued. A committee had been appointed by the Institute to seek redress through the Legislature in the event of the Council proving intractable. It is not known to me whether the committee ever met; but without any consultation with the rest of the profession, its chairman, Dr.

Campbell, prepared a bill, which was submitted at the next session of the Legislative Assembly, asking, not for a law similar to the Homœopathic Act of 1859, as was expected, but for the incorporation of a Homœopathic Council and College. The measure proposed was to many of us more than unsatisfactory; it seemed calculated to work only injury. The machinery provided was clumsy and expensive, and evidently prepared for the purpose of conferring arbitrary and extravagant powers on the Council which it established, and more particularly on its president; while the college on paper which formed part of the scheme was to be protected in the same manner as other Canadian colleges, by the enforced attendance of all Homœopathic students upon the lectures of the one or more professors who might constitute its faculty. Those of us opposed to the bill were in a dilemma. Though more than six months had elapsed between the appointment of the committee and the meeting of Parliament, no one had received any intimation of the peculiar features of the bill until it was printed for presentation to that body. It was too late for any conference on the subject, or any private remonstrance. And, for one, I felt myself compelled to choose what seemed to me the lesser of two evils, and to declare through the public press my opposition to the measure, and my individual preference for the amended Act which had been introduced by the Council, provided they would insert a clause giving our students the privilege of completing the curriculum by attendance at Homœopathic colleges outside the Dominion, at their option.

The result may be briefly stated. Dr. Campbell's bill was dropped; and the amendments to the Act (embraced in what was known as The Ontario Medical Act of 1874) were adopted by the Legislature. The new features of the Act were chiefly the following:

1st. Extending the term of the Council from three to five years.

2nd. Merging the Eclectics into the general profession, and eliminating them from the Council at the end of five years; which was done by the consent of the Eclectic representatives themselves—a sort of *felo-de-se* on the part of that school.

3rd. Providing for the authorization of a tariff of fees in the several divisions.

4th. Fixing a fee to be paid annually to the Council by the registered physicians.

5th. Providing for the better enforcement of penalties against unregistered practitioners.

6th. Allowing Homœopathic students to put in their full time at colleges outside the Dominion.

Some of our physicians were not satisfied; and demanded separation pure and simple. But it was held by the majority that inasmuch as the main grievance had been redressed, and our students placed in even a better position than those of Allopathic physicians, we would have no reasonable ground on which to stand before the Legislature in seeking the repeal of the Medical Act; and that it would be wiser policy to give the new law and the new Council a fair trial. Such was the opinion expressed at a meeting of the Institute in

Hamilton, in 1874—being the first opportunity we had for a conference on this matter.

The election of 1875 sent to the Council, as our representatives, Drs. Campbell, Henderson, Logan, Morden and Vernon. Under the amended Act, and as the fruit of past experience, there was soon a visible improvement in the proceedings of the Council and in the treatment of Homœopathists. It had become apparent to the representatives of the dominant section that not only the interests of the profession, but the very existence of the Council, required that the Homœopathists should be treated with on terms of equality. They saw that while our representatives were prepared to assist in every way possible, even to their own hurt if need be, in maintaining a high standard of medical education, they would accept no position of interiority for their school, and would insist on ample justice and the full recognition of all reasonable claims.

It took some time for the old fires to die out; for old passions to be calmed; for peace and harmony to prevail. But, as wiser counsels gained the ascendancy, as the more combative elements were eliminated from the body; as the members allowed their common sense to over-ride their prejudices; each party began to see the better side of their opponents, and to give them credit for sincerity and honesty. And there came at last a realization of the fact that only by harmonious co-operation, by mutual forbearance, and by united effort, could the profession be elevated in the public esteem, and its individual interests subserved.

This desirable result is, I believe, in process of attainment. Though originally opposed to the surrender of our rights and our amalgamation with the old school in the Council, I have long since recognized that this plan could be operated to the benefit of the medical profession as a body, in a manner that no former legislation in this or any other country could equal. The disagreements and disputes of doctors have become proverbial in all countries. By these, we only hold ourselves up to public ridicule; and the laity are inclined to accept us only at our mutual estimate of each other. What our profession has needed at all times has been to cultivate an *esprit de corps* which would aid us in sustaining and defending each other; in elevating and in magnifying our calling.

It is true that we will have our differences of opinion in matters of therapeutics. That is unavoidable. These are questions arising out of the operations of unseen vital forces, on which thinking men may well be pardoned for differing. Our differences are the result of conscientious conviction on matters open to dispute; and are not, as with some others, solely dependent on retainers and fees. But with it all we can have a basis of union. Let us simply give each other credit for the same honesty, sincerity and good faith that we claim for ourselves. We need not demand that our neighbors should all think as we do; that would be foolish to ask or expect. But we may demand that all physicians should be cultured and honorable men, striving to do the work of their profession to the best of their knowledge, with the utmost of their skill, in accordance with the direction

of their own experience and study. There will be plenty of room for all of us on a platform of toleration based on the "Golden Rule"; and the bonds of union on such a platform can be made strong enough to sustain the dignity of the profession and advance the interests of its members.

Since the passage of the Act of 1874, the law has been amended in several important particulars. It was first supposed that we had control of all matters medical in the province. But we found that under terms of the British Medical Act, a person registered in Great Britain could demand registration in any part of the Empire. This was a grievance—political as well as medical. In the one case, because it interfered with the powers of self-government belonging to the people of this country; in the other, because students who failed to pass our examinations could go to England, be registered there, and then come home and compel us to give them a license; and, further, because while British licentiates could come into Ontario without examination, we were not allowed to enter England on similar conditions. It required some time and labor to impress this idea on our friends in the motherland; but by persistent agitation this was accomplished, and an Act of the Imperial Parliament repealed the obnoxious law. All who desire to practise in Ontario, whether they be from Canada, Great Britain, or some foreign land, must now follow the same road.

One of the evils sought to be remedied by the Medical Act—an evil which affected the public as much as the profession—was the prevalence of uneducated, incompetent and dishonest persons, who preyed on the misfortunes of the sick and distressed—parasites on the profession and plunderers of the people. The amendments in 1874 enabled the Council more effectually to prosecute this class of charlatans; and with such success that there are probably fewer of them in Ontario than in any other country. But there was another class that could not be reached—the licensed quacks; men who had been registered, but who were disgracing the profession by using the methods of the quack, advertising themselves as possessed of skill and knowledge such as the best physician could not have, and which no honest man would claim. Then there were the men who sold their names and the privileges their registration gave them to contraband associations, and travelled around the country as the screen behind which unscrupulous medical freebooters could operate.

To bring these parties under discipline, amendments were secured in 1887 by which the Council obtained authority to try registered physicians charged with such unprofessional conduct, and on conviction to erase their names. To put this law in operation it is necessary for four licensed physicians to bring formal charges against the party, before the Council can take action. Six persons have been so charged; one fled the country; two were struck off the register; in one case action was deferred for satisfactory reasons, and the remaining two are still *sub judice*. If there are others in the country offending in this particular, the Council will act as soon as charges are preferred. But in view of the fact that a person so punished has

the right of appeal to the civil courts, it has been deemed wise for the Council to proceed cautiously, and not endanger its position by doing anything that would savor of persecution.

Still another class required attention. The Council, in accordance with the Act, levies an annual assessment on all the members of the College of Physicians and Surgeons. Usually this fee has been $1; some years $2. While the majority have cheerfully paid this trifling amount, there have been some who persistently refused—being quite willing to enjoy all the benefits of the law while evading the duties it imposed. The fee could, of course, be collected by Division Court suit; but the expenses of collecting absorb nearly the full amount collected, thus rendering that mode of redress practically valueless to the Council. To meet these cases amendments were secured in 1891 giving the Council power to strike from the register the names of those who refused or neglected to pay their assessments for a year—due notice being first given them by registered letter. Of course, on payment of arrears the name erased is restored.

To this law decided objection has been made by some of our practitioners. That those who are habitual defaulters in the matter of assessments should object was only natural. But the objections of those who always pay their assessments, and to whom the law does not therefore apply, deserve respectful consideration.

The first objection is that the assessment is unnecessary; or, at all events, would have been unnecessary, if the Council had not incurred the expense of erecting a large building in Toronto. To this the answer of the Council is in brief that the revenue from students' fees is not sufficient to meet the annual expenditure of the Council, and that the assessments are therefore required; but that the College building, when paid for, will provide a sufficient revenue to enable the Council to dispense with the assessments now collected. Accommodations of some kind were necessary, not only for the offices of the Registrar, but for examination purposes; and it was deemed better to erect a building which would meet all requirements, provide a revenue and be a credit to the profession, rather than to put up with inferior accommodations, for which an annual rental would have to be paid.

It is further objected that the power granted the Council in this matter is unprecedented, and beyond the functions of any such body; —*ultra vires*. The fact is, however, that it is nothing more than the usual power exercised by all corporations. Every association has the right to fix fees to be collected from its members for necessary expenses, and to suspend from membership those who do not pay. For example, the Law Association taxes every lawyer in Ontario $17 per annum, part of which is returned to him in printed matter; and the non-payment of this assessment results in his suspension, and the loss of his privileges as a member of his profession, besides subjecting him to the penalty of a heavy fine. The druggists are required to pay $4 per year, and the delinquent becomes liable to all the penalties incurred by one who sells drugs without a license.

In the Province of New Brunswick, sec. 5 of the Medical Act of

1882 requires each registered practitioner to pay an annual fee of not less than one nor more than two dollars; and sec. 2 of the Act of 1884 erases from the register the name of every one not paying his annual fee, being, in fact, the very same law that we have in Ontario. In Quebec, clause 3,986 of sec. 2, chap. 4, revised statutes, says that every licensed physician of that province "shall pay the sum of two dollars a year"; and by clause 3,994, unless he has so paid, no person can collect an account for medical attendance, nor be entitled to any of the rights or privileges conferred by the Medical Act. The Manitoba Medical Act, sec. 15, calls for a fee of not less than one nor more than five dollars a year, recoverable with costs of suit in any county court; and sec. 22 of the amended Act of 1888 debars the delinquent from voting at election for the Medical Council. Sec. 35 of the North-West Territories' Act requires a similar fee. In British Columbia, by sec. 53, chap. 81, "every legally qualified medical practitioner shall pay annually to the Medical Council of British Columbia, on or before the 1st day of March in each year, the sum of ten dollars, and shall obtain from the registrar of the Council a certificate under the seal of the said Council of the payment of the same." So it is evident the idea of an annual assessment, enforced by serious penalties, even to the loss of license, is not such an unheard-of regulation as some people have supposed.

It has been claimed by some that not even the Legislature can give the Council power to erase a physician's name from the register, and thus deprive him of his license, for the non-payment of an annual assessment; that having once received a license to practise medicine, it cannot be taken away from him; that he has a vested interest which cannot be successfully attacked except through felony on his part. This arises evidently from a confusion of ideas as to the respective rights accruing from a diploma and a license. A man may be said to have a vested interest in his diploma, which is simply a certificate of scholarship and nothing more. But no man can claim to have or to hold a license to carry on any business in a community, no matter how laudable that business may be, except on such reasonable terms as the community may impose In this province, the people, acting through their representatives in the Legislature, constitute the only power that can authorize a man to practise medicine. They have exercised that power by the enactment of certain laws; and only by obedience to the laws enacted, whether by the Legislature, or by the Council to which it has delegated its powers in the premises, can any person secure or retain a license. And the same power which grants a license may for good cause, such as the refusal to obey its requirements, suspend or revoke that license.

It has been said that while the enactments of the Medical Council may be obligatory on those who receive a license from that body, they cannot be enforced against those who were licensed by the Government of Canada before the Council came into existence. But the fact is that all practitioners in Ontario are practising under permission granted by the Council; not only those who have been licensed since 1869, but those who were in practice prior to that date.

These latter acknowledged the authority of the Council by applying to it for registration, paying the fees demanded, and receiving its license. They have availed themselves of the privileges granted by that license—not only of practising medicine, but, with very few exceptions, of acting as members of the College of Physicians and Surgeons in the management of its domestic affairs, and voting at the elections for the Council. Is it not too late now to repudiate the authority which they have hitherto acknowledged? and is it fair to attempt the evasion of duties imposed by that authority, while, at the same time, availing themselves of the privileges it bestows?

But, while the legal right to collect the annual assessment in the manner indicated cannot be successfully questioned, there may reasonably be a difference of opinion as to the expediency of the law. As to that, it need only be said that the Council acts for the profession, and endeavors to carry out in good faith what it believes to be the desire of the profession. Its action in this matter has been based on the belief that the great majority of the profession are quite willing to pay the trifling assessment called for; and, being willing to pay it themselves, would approve of any method which would enforce its collection from those who were wilfully delinquent. If that is not the case; if the profession is opposed to the assessment, or opposed to the plan adopted for its collection, it has only to express its wish, and the Council will not object. Hitherto the profession has not given any adverse opinion; only some individual members have objected. The territorial representatives in the Council, who are supposed to express the view of the profession at large, are unanimous in support of the annual assessment, and of the annual certificate. If they are not doing as their constituents desire, the remedy is a simple one; turn them out at the first opportunity and elect others. The Council is a representative body, and will do just what its constituents want it to do. The Council is just what the profession makes it. Any grievances, real or imagined, can be redressed there. But to go to the Legislature for redress, is to make the humiliating confession that we are incapable of self-government. And if that be so, then the logical conclusion would be that the Legislature should abolish the Council, and place the profession in charge of the Education Department, which attends to the needs and requirements of children; or else hand us over to the Inspector of Charities, who looks after the interests of the feeble-minded.

While the status of the profession in Ontario, as affected by provincial legislation, has been sufficiently indicated in the preceding remarks, the discussion of the subject would be incomplete without some reference to the curriculum of study imposed upon students, and the requirements pre-requisite for registration as a practitioner.

Under earlier legislation, the curriculum of the Canadian colleges whose diploma entitled the owner to a license, called for four years medical study, and two courses of lectures. The matriculation examination was under the control of the colleges, and demanded what was supposed to be a fair English education, with a smattering of Latin. The Medical Council started out with a curriculum very

similar. From this point it has steadily progressed, step by step, until in 1891 it reached a position not only far in advance of the United States, but one which compares favorably with the older countries of Europe.

Our matriculation is now the junior matriculation for an Arts course in a University, as fixed by the Government, with the Science course compulsory. Dating from the time of registration as a matriculant, comes five years of medical study; during the first four years there must be an attendance on four winter sessions of six months each, and one summer session of three months; and following these a year of clinical work in hospital, or dispensary, or laboratory.

In the United States, the highest standard reached has been the three year graded course adopted by the Homœopathic colleges, and by a number of the old school institutions. But there are still some of the latter that will graduate a student in two years. In Europe the standard is worthy of a learned profession. The English curriculum is somewhat similar to ours. In France, the matriculation preparatory to seeking the degree of Doctor in Medicine is a B.A. degree similar to the pass B.A. of Oxford, and also a B.S. All the continental nations have a matriculation approximating that of France. Sweden, with its high school graduation, its year or more of university training, followed by seven years of professional study, has probably the highest standard in the world.

It may be objected that in a young country like ours the standard of medical education is too high, and is for many young men almost prohibitive. But the public do not suffer thereby. We have now in the province about one practitioner to every 800 people—or about double the proportion in Great Britain. Unless the population of Ontario increases much more rapidly than it has done in the past decade, we have doctors enough now to supply all the public needs for years to come. Nor do the young men seeking a calling suffer. It is better for them to meet some discouragement in the attempt to enter an overcrowded profession; and many will be benefited if the difficulties they meet should turn their attention to some occupation which can promise them a more profitable and a more immediate reward.

But those whose circumstances permit them to undergo the preparation necessary for the practice of medicine or whose energy and enterprise enable them to overcome the difficulties that meet them in the way, will value all the more the privileges and honors that can be obtained only by labor and long continued effort. And the profession at large will reap the advantages that result from the admission to its ranks of only such as are well-educated, cultured and capable, calculated to honor their calling and to make it honorable, and thus raise it to a higher position as a beneficent influence and a social power than it ever occupied before.

It is quite true that the reference to the overcrowding of the profession cannot be said to apply altogether to the Homœopathic branch. It is no doubt a fact that with the extended curriculum in Ontario, and the absence of a Homœopathic college, our students, going to the

United States to attend lectures, and graduating there a couple of years before they can be licensed here, are tempted to remain in that country and follow the example of so many Canadians who appear to have found a foreign land more profitable than their own. And in this view of the situation, with the idea simply of increasing the number of Homœopathic physicians in Ontario, a lower standard and a shorter course might have been preferable. But the Homœopathic representatives in the Council are there not alone for the purpose of increasing our numbers, but to serve the interests of both the public and the profession. We have ever been the consistent advocates of the highest possible standard of education for all medical men. And while we do not approve of the therapeutic methods of the old school, it is our duty to see that practitioners of that class shall at all events be men of good education. If the greater facilities for obtaining a medical course, and more speedily acquiring a practice, in the United States, prevent our having as many Homœopathic physicians in this country as we would like, the next best thing is to have our Allopathic brethren well trained for their work; because as they become better educated, with the broadening of their minds by continued study and liberal culture, they will become better fitted to investigate all theories in medicine, and all forms of practice, without bias or prejudice, and to adopt the scientific therapeutics characteristic of the new school. For this reason, while college and territorial representatives were divided among themselves at the session of 1891 as to their support of the advanced curriculum, the Homœopathic representatives were unanimous, and by their votes secured its adoption. Had they not given it their undivided support the proposition would have been defeated.

Many years ago there was an absurd idea prevalent among old school physicians—an idea the offspring of ignorance and prejudice. It was that Homœopaths were an uneducated class. To us—acquainted with the character of our colleges, and the character of our men—such a charge was extremely amusing. Nevertheless, it was a charge frequently made. At one of the earlier sessions of the Medical Council, reported in the *Dominion Medical Journal* of April, 1870. a college representative in expressing his disgust with the union of the different medical sects in the Council, said that "if the Allopaths were to be kept in it by compulsion, they were justified in making these men (the Homœopaths) become educated in pathology and diagnosis before sending them to practise on the public." This slur on our physicians has been amply revenged by our course in the Council, which has resulted in raising the standard of medical education higher than many of our Allopathic colleagues were inclined to favor. The medical profession of Ontario has to thank the Homœopaths for the high position it occupies in this respect. Had we not consented to surrender our old independent Board of Examiners, and unite in the formation of the Council, that body would not have been in existence. Or if it existed at all, it would only have been as the Council of the Parker Act—the Homœopathic and Eclectic Boards retaining equal powers. And if our representatives in the Council

had not always supported every proposal to advance the curriculum, there would have been a much lower standard of education in force than that of which we boast to day.

Thus, as briefly as possible, I have endeavored to sketch for you the history of medical legislation in this province, and to indicate the progress we have made. Our profession has now obtained a position worthy of public respect—one which will help us materially to make the name of physician an honor to those who bear it. It has under the Medical Act powers of self-government by a representative body almost, though not quite, equal to those possessed by the legal profession. For all necessary purposes its domestic affairs are under its own control. By acting in unison and in harmony it can make itself as a corporation all that it desires to be. There only remains for those of us who are already legally qualified to practise, and for whom no further curicula wait and no enforced examinations are pending, to maintain the dignity of our calling by that ceaseless study, that careful work and that honorable conduct for which no law provides, but without which our own lives will be unsuccessful, and our profession suffer loss and shame.

APPENDIX.

THE HOMŒOPATHIC MEDICAL BOARD OF UPPER CANADA.

ESTABLISHED BY ACT OF PARLIAMENT 1859.

Officers:

PRESIDENT—D. Campbell, Toronto, 1859-69.
SECRETARY-TREASURER—J. J. Lancaster, London, 1859-68.
" " J. Adams, Toronto, 1868-69.

Members:

D. Campbell, Toronto, 1859-69.
J. J. Lancaster, London, 1859-68.
A. T. Bull, London, 1859-65.
A. Greenleaf, Hamilton, 1859-61.
J. Hall, Toronto, 1859-63.
Thos. Nichol, Belleville, 1861-65.
G. C. Field, Woodstock, 1863-69.
W. Springer, Ingersoll, 1865-69.
J. W. Fergusson, Hamilton, 1865-69.
J. Adams, Toronto, 1868-69.

HOMŒOPATHIC MEMBERS OF THE MEDICAL COUNCIL OF ONTARIO.

D. Campbell, Toronto, 1869-77; Vice-Pres., 1872 and 1877; Pres., 1878.

H. C. Allen, Brantford, 1869-72.

W. Springer, Ingersoll, 1869-75.

G. C. Field, Woodstock, 1869-75.

J. Adams, Toronto, 1869-75.

E. Vernon, Hamilton, 1872-90; 1892 (By appointment in place of Dr. Oliphant, deceased).

Geo. Logan, Ottawa, 1875-92; Vice-Pres., 1879; Pres., 1883.

G. Henderson, Strathroy, 1875-92; Vice-Pres., 1886; Pres., 1887.

R. J. P. Morden, London, 1875-82.

Geo. Husband, Hamilton, 1878-90 (In place of Dr. D. Campbell, deceased).

Cl. T. Campbell, London, 1883-92 (In place of Dr. Morden, deceased); Vice-Pres. 1892.

Leonard Luton, St. Thomas, 1890-92.

W. H. Oliphant, Toronto, 1890-91.

THE CANADIAN INSTITUTE OF HOMŒOPATHY.

Prior to 1865, there was no regular association of Homœopathic physicians in Canada. In the negotiations necessary to secure favorable legislation, the few members of the profession consulted each other by correspondence and occasional interviews. Under the Act of 1859, the election of members of the Homœopathic Board was entrusted to such licentiates as might assemble in Toronto at the annual meeting of the Board in January; and it became the custom of those who did attend for that purpose to utilize the time by discussions on medical subjects after the manner of medical societies. At the meeting in 1863, it was decided to form an association for mutual improvement and the advancement of Homœopathy; but nothing

was done until September 20th, 1865, when, in response to a call, the following physicians met in the Masonic Hall, London, and organized the Canadian Institute of Homœopathy : Drs. W. Springer, Ingersoll ; G. C. Field, Woodstock ; J. J. Lancaster, London ; E. Vernon, Hamilton ; F. G. Caulton, Guelph ; Cl. T. Campbell, London ; L. F. Crawford, Hamilton ; R. J. P. Morden, London ; H. C. Allen, Brantford ; A. H. Thompson, St. Thomas. There were also present Drs. A. T. Bull, Buffalo ; T. P. Wilson, Cleveland ; and E. Lodge, Detroit. The following officers were elected : G. C. Field, President ; J. J. Lancaster, Vice-President; H. C. Allen, Secretary-Treasurer. It was intended to meet annually, but it did not always do so ; and from 1874 to 1880 no meetings whatever were held. In the latter year it was re-organized at Hamilton ; and since then it has met continuously.